



PATENT APPLICATION  
Docket No. LAR50-001

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

|                   |                       |            |
|-------------------|-----------------------|------------|
|                   |                       | )          |
|                   |                       | )          |
|                   | Steven S. Larsen      | )          |
|                   |                       | )          |
| Application No.:  | 10/690,421            | ) Art Unit |
|                   |                       | ) 3732     |
| Confirmation No.: | 3835                  | )          |
|                   |                       | )          |
| Filed:            | 10/20/2003            | )          |
|                   |                       | )          |
| For:              | Endodontic instrument | )          |
|                   |                       | )          |
| Examiner:         | Lewis, Ralph A.       | )          |

**PETITION TO REVIVE ABANDONED APPLICATION**  
**UNDER 37 C.F.R. §1.137(b)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attn: Office of Petitions

Sir/Madam:

**Statement of unintentional failure to file a continuation in part application.**

This application was filed on October 20, 2003, and after prosecution and appeal, became abandoned on November 17, 2011. Applicant now respectfully requests revival of the application in order to file a continuation-in-part application, which is submitted herewith as Exhibit A, concurrent with filing (Application No. 13/444,367; Confirmation No. 4938), and along with corresponding fees.

By way of background, this is Applicant's first patent application. The underlying product is the foundation of a family business involving Applicant's children and they depend on it for their support. Applicant has acted diligently throughout, but has relied on former patent counsel for information regarding status and strategy.

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APR 18 2012

Applicant has not been accurately informed of either status or strategy from former counsel. For example, Applicant did not know that former counsel obtained lengthy extension periods and passed on the accompanying fees. Applicant did not timely know of options relating to a request for continued examination (RCE) or continuation applications prior to abandonment.

On April 2, 2012, Applicant hired undersigned counsel to review the application. Applicant became informed that the application was abandoned. Applicant did not intend that the application become abandoned. The abandonment was unintentional.

Applicant has expended time and resources towards preparation of an expedited continuation-in-part (CIP) application, which he now wishes to file. The CIP is prepared with the intent of overcoming all former objections and rejections by the examiner and appeals board, and to correct what Applicant perceives as deficiencies in the original application occasioned by former counsel.

A declaration from the Applicant on this subject is included herewith. From November 17, 2011 to April 2, 2012, the abandonment was unintentional because Applicant was not aware of either status or options. From April 2, 2012 to the time of this filing, undersigned counsel has actively worked with Applicant to review the file and draft this petition and the reply. The entire delay in filing this required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

On behalf of Applicant, the undersigned respectfully and sincerely requests that the application be revived to allow for the filing and examination of the CIP.

Dated this 10<sup>th</sup> day of April, 2012.

Respectfully submitted,

/Preston P. Frischknecht/  
Preston P. Frischknecht  
Attorney for Applicant  
Registration No. 61,312  
Customer No.: 062733  
Telephone No. 435-787-9700



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| Examiner:         | Lewis, Ralph A.       | )          |

DECLARATION OF APPLICANT STEVE LARSEN IN SUPPORT OF  
PETITION TO REVIVE ABANDONED APPLICATION  
UNDER 37 C.F.R. §1.137(b)

Mail Stop Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 Attn: Office of Petitions

Sir/Madam:

I hereby make the following declaration, under penalty of perjury, and under applicable state and federal law:

1. In 2003 I hired patent counsel to assist with this patent application.
2. This application is my first, and I do not otherwise have any experience prosecuting patent applications.

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3. This patent application is important to me because the underlying product is part of a family business in which I involve my children and upon which they depend for support.

4. Throughout the prosecution and appeal of this patent application, I have acted diligently and relied on my counsel to inform me as to status and all of my options for pursuing a patent.

5. But, I have not been accurately informed of the status of the application and all of my options for pursuing it..

6. On April 2, 2012 I hired new counsel to examine my file and inform me as to the status of the matter.

7. I am informed that former counsel obtained numerous, lengthy extensions during prosecution of this application, of which I was unaware, and for which I paid.

8. Significantly, I was not timely made aware of all of the options for pursuing the patent application or the underlying technology, including through a request for continued examination (RCE) or continuation-type applications.

9. From new counsel, I understand that my application is now termed "abandoned" by the USPTO as of November 17, 2011.

10. I did not intend to abandon my patent application at that time and to date.

11. Any abandonment of my patent application was unintentional.

12. Better understanding the current status, I now desire to file a continuation-in-part (CIP) application to address and overcome all former objections and rejections by the examiner and appeals board, and what I perceive as deficiencies in the original application.

13. Under these circumstances, I respectfully request that you allow me to "revive" my patent application to file the CIP, which I understand will be submitted with this request.

EXECUTED this 3rd day of April, 2012.

  
\_\_\_\_\_  
Steven S. Larsen, Applicant



# Exhibit A